

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

ROBERT P. "SKIP" CUMMINS

Plaintiff

-Against-

SUNTRUST CAPITAL MARKETS, INC.,  
AMIT HAZAN, AND JONATHAN BLOCK

Defendants

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Case Number: 07 CV 4633 (JGK)

JURY DEMAND

**PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND  
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
BECAUSE OF HURRICANE IKE**

Plaintiff Robert P. "Skip" Cummins files this unopposed Motion for Extension of Time to Respond to Defendants' Motion for Summary Judgment because of Hurricane Ike. Defendants are unopposed to this Motion.

Plaintiff's counsel is located in Houston, Texas which was directly in the path of Ike. Plaintiff's counsel and its staff are dealing with the effects and aftermath of Hurricane Ike. Plaintiff's counsel's office has not been fully operational for about a week. Most of Plaintiff's counsel and its staff have had no power at home and are having to deal with various damage issues at home. Because Plaintiff received Defendants' Motion for Summary Judgment right before Ike hit Houston and is now having to deal with the aftermath of Ike, Plaintiff has lost and is still losing valuable time for responding to Defendants' Motion for Summary Judgment.

Therefore, Plaintiff Robert P. Cummins respectfully requests that Plaintiff be granted an additional fourteen days from October 10, 2008 to October 24, 2008 to respond to Defendants'

Motion for Summary Judgment and that Defendants' deadline to file a Reply be extended from October 24, 2008 to November 7, 2008.

Respectfully submitted,

GLICKMAN, CARTER & BACHYNSKY L.L.P.

By: /s/ Ashton Bachynsky  
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-and-

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF CONFERENCE**

I hereby certify that I have spoken to opposing counsel regarding this Motion and Defendants are unopposed to this Motion.

/s/ Ashton Bachynsky  
Ashton Bachynsky

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to opposing counsel by fax, certified mail, return receipt requested, or receipted messenger delivery on the 18<sup>th</sup> day of September, 2008.

/s/ Ashton Bachynsky

Ashton Bachynsky

AB

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September 18, 2008